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Attorneys for Plaintiff
JASON CARRODINE

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

JASON CARRODINE, *individually, on
behalf of himself, and all others similarly
situated,*

Plaintiff,

vs.
RHBREI, LLC, D/B/A
LAUNCH HOMEBUYERS AND
ROCKET HOMEBUYERS

Defendants.

Case No.
Dept. No.:

COMPLAINT – CLASS ACTION

JURY DEMAND

CLASS ACTION COMPLAINT

COMES NOW Plaintiff Jason Carrodine (“Carrodine”), individually, and on behalf of
all others similarly situated, and for his Class Action Complaint against Defendant RHBREI,
LLC d/b/a Launch Homebuyers and Rocket Homebuyers (“Defendant”), states:

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BACKGROUND

1 1. One of the most annoying and harassing types of telemarketing calls that
2 consumers are currently receiving are unwanted calls about someone wanting to buy your
3 property. This case is about putting a stop to at least some of these annoying and harassing calls.

4 2. This case is about stopping incessant telemarketers like Defendant from placing
5 incessant and unwanted calls and robocalls to the phones of Carrodine and likely thousands of
6 other persons.

7 3. Carrodine brings this class action lawsuit, individually, and on behalf of all others
8 similarly situated, against Defendant for placing calls in violation of the Telephone Consumer
9 Protection Act, 47 U.S.C. § 227 *et seq.* (“TCPA”), and the TCPA’s corresponding regulations.

10 4. In 1991, after passage with bipartisan support in Congress, President George
11 H.W. Bush signed the TCPA into law, to protect consumers’ consumers’ privacy and the right
12 to be left alone from unwanted telemarketing communications.

13 5. A leading sponsor of the TCPA described unwanted telemarketing calls as “the
14 scourge of modern civilization.” 137 Cong. Rec. 30821 (1991).

15 6. Defendant improperly placed prerecorded voice calls to the phones of Carrodine
16 and the putative class members without first obtaining “prior express written consent,” or any
17 other form of consent, to place such calls.

18 7. The receipt of a robocalls is a rampant problem in this country. For example, in
19 the first eight months of 2024 alone, approximately 34.3 billion robocalls were placed in the
20 United States. RobocallIndex.com, YouMail Robocall Index,
21 <https://robocallindex.com/history/time> (last visited Sept. 4, 2024). The private right of
22 enforcement of the TCPA is critical to stopping the proliferation of these unwanted
23 telemarketing communications. For example, while the Federal Communications Commission
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25

1 levied over \$200 million in penalties against telemarketers between 2015 and 2018, it collected
2 less than \$7,000 of that amount. *See* Sarah Krouse, *The FCC Has Fined Robocallers \$208*
3 *Million. It's Collected \$6,790*, THE WALL STREET JOURNAL, March 28, 2019,
4 [https://www.wsj.com/articles/the-fcc-has-fined-robocallers-208-million-its-collected-6-790-](https://www.wsj.com/articles/the-fcc-has-fined-robocallers-208-million-its-collected-6-790-11553770803)
5 [11553770803](https://www.wsj.com/articles/the-fcc-has-fined-robocallers-208-million-its-collected-6-790-11553770803).

6 **PARTIES AND BACKGROUND ON THE PARTIES**

7 8. Carrodine is an individual who at all times material to this Complaint has resided
8 in Las Vegas, Nevada and has at all time material to this Complaint been a citizen of the State
9 of Nevada.

10 9. Defendant is a Nebraska limited liability company who has been registered as a
11 foreign limited liability company in the State of Nevada and has been in good standing to
12 transact business in Nevada, and throughout the United States at all times material to this
13 Complaint.

14 10. Defendant has a registered agent located in Reno, Nevada.

15 11. On information and belief, one of Defendant's two managers resides in
16 Henderson, Nevada.

17 12. Defendant has registered various trade names to use with the Nebraska Secretary
18 of State. Those trade names include Launch Homebuyers and Rocket Homebuyers.

19 13. Defendant's trade name registration for Rocket Homebuyers states that the
20 general nature of business is to "buy and sell real estate."
21

22 14. Defendant's trade name registration for Launch Homebuyers states that the
23 general nature of business is "real estate."

24 15. One of Defendant's websites is www.launchhomebuyers.com.
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1 16. Defendant's website states that it "specializes in purchasing homes directly from
2 homeowners for cash."

3 17. Defendant's website also includes a video detailing its services. The video states,
4 "I want to talk to you about selling your house. Selling your house doesn't have to be hard.
5 When you sell your house to Rocket Homebuyers it's going to be the easiest house you ever
6 sell."

7 18. Defendant's website states that one of Defendant's locations is in the State of
8 Nevada.

9 19. Defendant also a page on the www.launchhomebuyers.com website, with a URL
10 link of www.launchhomebuyers.com/nevada/ ("the Nevada website").

11 20. The Nevada website states, "We Buy Houses For Cash in Nevada," "Get a Quick
12 Cash Offer for Your House in Nevada" and "Cash For Your Nevada House."

13 21. The Nevada website also includes "Frequently Asked Questions about Selling
14 Your House Quickly in Nevada" and answers to such questions. These questions include: "Can
15 you sell a house 'as is' in Nevada?," "How do I sell my house by owner in Nevada?," "What is
16 the most profitable way to sell my house?," "How can I sell my house fast in Nevada?" and
17 "How do I sell my house without as realtor in Nevada?"

18 22. Defendant markets its products and services through placing telemarketing
19 phone calls to persons.

20 23. Defendant places calls to consumers using among other things, prerecorded voice
21 technologies.

22 24. Defendant also directs other forms of marketing, such as direct mail marketing,
23 to persons in Nevada. For example, Defendant sent Carrodine a postcard marketing its services
24 to Carrodine's Las Vegas address. The postcard asked if Carrodine was "interesting in selling
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1 [his] house” located at his Las Vegas address and also included a photograph of Carrodine’s
2 residence. The postcard Carrodine received also suggests the benefits of “selling to us.” The
3 postcard also included a call back number with a Las Vegas area code phone number 702-207-
4 2272.

5 **JURISDICTION AND VENUE**

6 25. This Court has subject-matter jurisdiction over the TCPA claims in this action
7 under 28 U.S.C. § 1331, which grants this court original jurisdiction of all civil actions arising
8 under the laws of the United States. *See Mims v. Arrow Fin. Servs., LLC*, 565 U.S. 368, 386-87
9 (2012) (confirming that 28 U.S.C. § 1331 grants the United States district courts federal-
10 question subject-matter jurisdiction to hear private civil suits under the TCPA).

11 26. This Court has jurisdiction over Defendant because, among other things,
12 Defendant: transacts business in Nevada, has a location in Nevada, purposefully directed its
13 marketing efforts to Carrodine in Nevada, buys and sells homes in Nevada, regularly markets
14 its services in the State of Nevada, and otherwise has sufficient contacts with the State of
15 Nevada.

16 27. The harm was sustained by Carrodine in this District and Carrodine has resided
17 in this District at all times material to this Complaint.

18 28. For those reasons, and as set forth generally in this Complaint, this Court has
19 personal jurisdiction over the parties to this action, and venue is proper pursuant to 28 U.S.C.
20 §1391(b)(2).
21

22 **DEFENDANT’S CALLS**

23 29. At all times relevant to this Complaint, Carrodine was the owner of a cell phone
24 bearing the phone number 702-XXX-9862.
25

1 30. Carrodine placed his phone number on the national Do Not Call Registry (“DNC
2 List”) on October 23, 2014, for the purpose of being left alone by telemarketers.

3 31. The account for Carrodine’s phone is not held in the name of a business.

4 32. Carrodine uses his phone primarily for personal and household purposes,
5 including communicating with friends and family members.

6 33. Carrodine did not provide Defendant “prior express written consent” as that term
7 is defined in 47 C.F.R. § 64.1200(f)(9) or any other form of consent, to place prerecorded voice
8 calls, or any types of calls, to his cell phone.

9 34. Carrodine never provided his personal information on a website maintained by
10 Defendant.

11 35. On or about July 5, 2023, Carrodine received a prerecorded voicemail from
12 Defendant on his phone. The prerecorded voicemail stated, “Hey! We just closed on two
13 properties in your area, and we’re looking to buy two more properties this week. If you’re
14 looking to sell could you kindly text me or give me a call back? Thank you.”

15 36. On or about November 24, 2023, Carrodine received a prerecorded voicemail
16 from Defendant on his phone. The prerecorded voicemail stated, “Hey, this is Michael. I hope
17 you had an amazing Fourth. I’m giving you a call because it looks like your property just came
18 across my desk as a property that was looking for an offer. If you are still in the market to sell,
19 I just had a couple questions for you to finalize that. Give me a call back at your convenience
20 and we look forward to talking soon.”

21 37. On or about January 4, 2024, Carrodine received a prerecorded voicemail from
22 Defendant on his phone. The prerecorded voicemail stated, “Hey, it’s Michael. I’m giving you
23 a call because it looks like you had submitted a request or we maybe had an offer previously. I
24 hope you had a good Thanksgiving and are enjoying your Black Friday. Just as you are we are
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1 shopping for houses. However, we have a new program that just came available and we might
2 be able to pay you an additional 20 to \$30,000 for your house. If you are still in the market and
3 would like to re-discuss what we can do for you, give me a call back at your earliest convenience.
4 Thanks, and have a good day.”

5 38. Carrodine and the putative class members did not provide Defendant “prior
6 express written consent” as defined in 47 C.F.R. § 64.1200(f)(9), or any other form of consent,
7 to Defendant to place such calls to their phones.

8 39. On information and belief, Defendant knew that it should not have placed calls
9 to Carrodine and the putative class members, yet incessantly placed calls to them.

10 40. The calls Defendant placed to Carrodine and the putative class members were
11 harassing, irritating, invasive and annoying.

12 41. Defendant’s calls invaded Carrodine’s and the putative class members’ right to
13 privacy, namely the right to be left alone from unwanted telemarketing calls.

14 42. Defendant’s calls caused Carrodine and the putative class members to waste time
15 and be disrupted from their daily activities, addressing and/or responding to the unwanted calls.

16 **DIRECT AND VICARIOUS LIABILITY**

17 43. On May 9, 2013, the FCC determined that this was not a basis for avoiding
18 liability within a Declaratory Ruling that held that sellers may not avoid liability by outsourcing
19 telemarketing:

20
21 [A]llowing the seller to avoid potential liability by outsourcing its telemarketing
22 activities to unsupervised third parties would leave consumers in many cases
23 without an effective remedy for telemarketing intrusions. This would particularly
24 be so if the telemarketers were judgment proof, unidentifiable, or located outside
25 of the United States, as is often the case. Even where third-party telemarketers
are identifiable, solvent, and amenable to judgment limiting liability to the
telemarketer that physically places the call would make enforcement in many
cases substantially more expensive and less efficient, since consumers (or law
enforcement agencies) would be required to sue each marketer separately in
order to obtain relief. As the FTC noted, because “[s]ellers may have thousands

1 of “independent” marketers, suing one or a few of them is unlikely to make a
2 substantive difference for consumer privacy.

3 *In re: Dish Network, LLC*, 28 F.C.C. Rcd. 6574 at 6588 (May 9, 2013) (internal citations
4 omitted).

5 44. Moreover, the May 2013 FCC ruling rejected a narrow view of TCPA liability,
6 including the assertion that a seller’s liability requires a finding of formal actual agency and
7 immediate direction and control over third parties who place a telemarketing call. *Id.* at 6587 n.
8 107.

9 45. The evidence of circumstances pointing to apparent authority on behalf of the
10 telemarketer “should be sufficient to place upon the seller the burden of demonstrating that a
11 reasonable consumer would not sensibly assume that the telemarketer was acting as the seller’s
12 authorized agent.” *Id.*, at 6593.

13 46. If Defendant directly placed the calls at issue to Carrodine, Defendant is directly
14 liable for those calls.

15 47. However, Defendant may have hired, encouraged, permitted, and enjoyed the
16 benefits of mass telemarketing by third parties who are unknown at this time.

17 48. To the extent a third party placed the calls at issue, such party or parties had
18 actual and/or apparent authority to act on behalf of Defendant.

19 49. Likewise, Defendant may have also ratified a third party’s violations of the
20 TCPA by accepting leads and deriving profit from the improper calls.

21 50. Defendant is not permitted under the law to outsource and contract its way out
22 of liability by directing and benefiting from its agents’ TCPA violations.

23 51. For the counts identified below, if Defendant directly placed the calls at issue, it
24 is directly liable. In the alternative, to the extent any of the calls were made by a third-party
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1 agent(s) acting on Defendant's behalf, Defendant can be held jointly and severally liable as
2 Defendant is vicariously liable for those unlawful calls.

3 **CLASS ALLEGATIONS**

4 52. Pursuant to Federal Rule of Civil Procedure 23(a), (b)(2) and (b)(3), Carrodine
5 brings this Complaint as a class action on behalf of himself and all others similarly situated.
6 This action satisfies the requirements of numerosity, commonality, typicality, and adequacy of
7 representation.

8 53. Pursuant to Federal Rules of Civil Procedure 23(a), 23(b)(2) and 23(b)(3),
9 Carrodine seeks to represent the following class:

10 For the four-year period prior to the filing of this action through the date
11 a class is certified, all persons in the United States to whom Defendant
12 placed a prerecorded or artificial voice call to the recipient's phone.

13 54. Carrodine reserves the right to add administrative subclasses, or to amend the
14 definition of the proposed class, during the lawsuit proceedings.

15 55. The members of the proposed class are so numerous that joinder of all members
16 is impracticable. Carrodine reasonably believes that hundreds or thousands of people have been
17 harmed by Defendant's actions. The names and phone numbers of the members of the proposed
18 class are readily identifiable through records available to Defendant or those acting on its behalf.

19 56. Members of the proposed class have suffered damages in an amount such that it
20 would make filing separate lawsuits by individual members economically infeasible.

21 57. Common questions of law and fact exist as to all members of the proposed class
22 and predominate over any questions affecting only individual members. The questions of law
23 and fact common to the proposed class include, but are not limited to:

- 24 a. Whether the voice technology used by Defendant constitutes a "pre-recorded
25 voice" as defined by 47 U.S.C. § 227(b) of the TCPA;
b. Whether Defendant's conduct violates 47 U.S.C. § 227(b) of the TCPA;

- c. Whether Defendant's manner and system of obtaining consumer "consent" was legally deficient;
- d. Whether Defendant's conduct violates the rules and regulations implementing the TCPA; and,
- e. Whether Carrodine and the putative class members are entitled to increased damages for each violation based on the willfulness of Defendant's conduct.

58. Carrodine's claims are typical of the claims of the proposed class members because his claims arise from the same practice that gives rise to the claims of the members of the proposed class and is based on the same legal theories.

59. Carrodine and his counsel will fairly and adequately protect the interests of the members of the proposed class. Carrodine's interests do not conflict with the interests of the proposed class he seeks to represent. Carrodine has retained lawyers who are competent and experienced in consumer litigation, the TCPA and class-actions.

60. Carrodine's counsel will vigorously litigate this case as a class action, and Carrodine and his counsel are aware of their responsibilities to the putative members of the class and will discharge those duties.

61. A class action is superior to all alternative methods of adjudicating this controversy, including through individual lawsuits. Joinder of all proposed members of the proposed class in one action is impracticable if not impossible and prosecuting hundreds or thousands of individual actions is not feasible. The size of the individual claims is likely not large enough to justify filing a separate action for each claim. For members of the proposed class, a class action is the only procedural mechanism that will allow recovery. Even if members of the proposed class had the resources to pursue individual litigation, that method would be unduly burdensome to the courts. Individual litigation could also result in inconsistent adjudications.

62. In contrast, a class action is superior in that it will benefit the court and litigating parties through efficiency, economy of scale and unitary adjudication resulting from supervision of the litigation by a single court.

63. Questions of law and fact, particularly the propriety of sending prerecorded voice calls, predominate over questions affecting only individual members.

COUNT I
Violations of the TCPA, 47 U.S.C. § 227(b) *et seq.*
(Prerecorded Voice Call Violations – Individually, and on Behalf of The Putative Class)

64. Carrodine incorporates the allegations in the previous paragraphs as if fully stated in this Count.

65. The TCPA states, in relevant part, “It shall be unlawful . . . (A) to make any call . . . using [a] prerecorded voice . . . to any telephone number assigned to a . . . cellular telephone” 47 U.S.C. § 227(b)(1).

66. A prerecorded voice call cannot be placed to a recipient without first obtaining the recipient’s “prior express consent.” *See generally* 47 U.S.C. § 227(b)(1)(B).

67. Carrodine and the putative class members did not provide “prior express written consent,” on any form of consent, for Defendant to place prerecorded voice calls to their phones.

68. By placing calls to the phones of Carrodine and the putative class members without first obtaining their prior express written consent, Defendant violated the express provisions of the TCPA, including, but not limited to, 47 U.S.C. § 227(b)(1).

69. The TCPA provides damages of \$500 and up to \$1,500 per violation. 47 U.S.C. § 227(b)(3).

70. Defendant violated Section 227(b) of the TCPA by placing the previously mentioned prerecorded voice calls to Defendant and the putative class members’ phones.

71. Defendant knew or should have known it did not have the appropriate form of consent to contact Carrodine and the putative class members yet continued to call them.

72. Carrodine and the putative class members are each entitled to \$500 per violation of Section 227(b) of the TCPA, and up to \$1,500.00 for every violation determined to be willful.

WHEREFORE Plaintiff Jason Carrodine, individually, and on behalf of all others similarly situated, requests the Court enter judgment in his favor and against Defendant RHBRREI, LLC d/b/a Launch Homebuyers and Rocket Homebuyers, and grant the following relief:

- A. Enter an order against Defendant, pursuant to Federal Rule of Civil Procedure 23, certifying this action as a class action and appointing Carrodine as the class representative;
- B. Enter an order appointing Craig K. Perry & Associates and Butsch Roberts & Associates LLC as class counsel;
- C. Enter judgment in favor of Carrodine and the putative class for all damages available under the TCPA, including statutory damages of \$500 per violation, and up to \$1,500 per violation if Defendant willfully violated Section 227(b) of the TCPA and/or the applicable TCPA regulations;
- D. Enter a judgment in favor of Carrodine and the putative class members that enjoins Defendant from violating the TCPA's regulations prohibiting Defendant from placing prerecorded voice calls without first obtaining the proper form of consent;
- E. Award Carrodine and the class all expenses of this action, and requiring Defendant to pay the costs and expenses of class notice and administration;
- F. Award all applicable pre- and post-judgment interest and court costs; and,
 - a. Award Carrodine and the class such further and other relief the Court deems just and appropriate.

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DEMAND FOR JURY TRIAL

Pursuant to the Seventh Amendment to the Constitution of the United States of America,
and in accordance with Fed R. Civ. P. 38, and LR 38-1, Plaintiffs demands a trial by jury.

Dated this 25th day of September, 2024.

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